

AMENDED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

**IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION**

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. ~~X~~~~X~~~~X~~~~X~~ Deceased Party:

Florence J. Dulski

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Janette M. Bialecki

4. Plaintiff(s)/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New York

3 New York

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 | New York

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 U.S. District Court-Western District of New York-Buffalo Division

8. Defendants (check Defendants against whom Complaint is made):

© C. R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

为 Diversity of Citizenship

Other:

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

G2® Express Vena Cava Filter

G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

Denali® Vena Cava Filter

Other:

Date of Implantation as to each product:

Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence - Design
- Count V: Negligence - Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable New York (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

10 Yes

11 | □ No

12 RESPECTFULLY SUBMITTED this 7th day of June, 2019.

CELLINO & BARNES, P.C.C

15 By: /s/ Brian A. Goldstein
16 Brian A. Goldstein
17 2500 Main Place Tower
18 350 Main Street
Buffalo, NY 14202-3725
(716) 888-8888 / Fax: (716) 854-6291
brian.goldstein@cellinoandbarnes.com

19 I hereby certify that on this 7th day of June, 2019, I electronically
20 transmitted the attached document to the Clerk's Office using the CM/ECF System for
21 filing and transmittal of a Notice of Electronic Filing.

/s/ Brian A. Goldstein